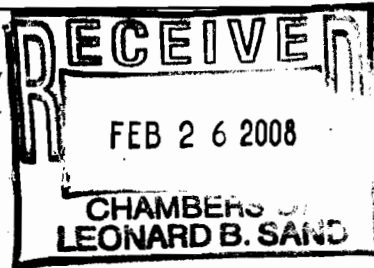


**Federal Defenders  
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Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

Leonard F. Joy  
Executive Director

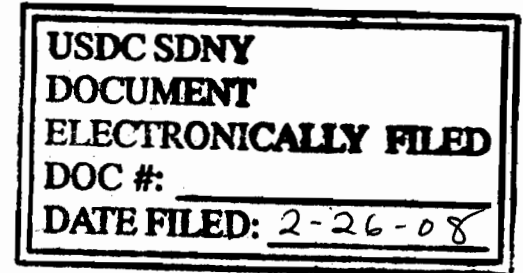
Southern District of New York  
John J. Byrnes  
Attorney-in-Charge



February 25, 2008

**BY HAND DELIVERY**

Hon. Leonard B. Sand  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



**Re: United States v. Gwenerva Cherry**  
**No. 08 Cr. 141 (LBS)**

Dear Judge Sand:

I am writing to respectfully request that the pretrial conference in this matter that is currently scheduled for Thursday, February 28, 2008, be adjourned to a date convenient to the Court during the week of April 7, 2008.

I make this request for several reasons. First, Ms. Cherry has severe mobility problems - she has suffered at least three strokes since 2005, is confined to a wheelchair, and has a home health aide who cares for her. Ms. Cherry cannot travel to and from Court unassisted. Unfortunately, however, after her last Court appearance, the agency that provides the home attendant told Ms. Cherry that the aide is not permitted to accompany her to Court appearances or to my office. As a result, right now, Ms. Cherry has no way to get to Court. A 45-day adjournment will permit my office to try to find a solution to this problem.

In addition, Ms. Cherry's medical condition points to at least the possibility of some type of mental-state related defense to the charge, because it appears that she had at least one stroke around the time of the charged conduct. The requested adjournment will permit the defense to obtain and review Ms. Cherry's medical records.

Finally, during this period, the government will be able to provide the defense with discovery, also necessary to evaluate any possible defenses. I have spoken with Assistant United States Attorney Daniel Levy, who has advised me that the government will

**MEMO ENDORSED**

**MEMO ENDORSED**

Hon. Leonard B. Sand  
United States District Judge

February 25, 2008  
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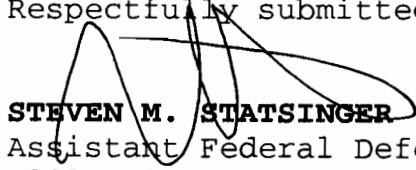
**Re: United States v. Gwenerva Cherry**  
**No. 08 Cr. 141 (LBS)**

need 30 days to produce discovery.

Accordingly, for all these reasons, the defense respectfully requests a 45-day adjournment, until the week of April 7, 2008, in this case.

I have spoken with Assistant United States Attorney Daniel Levy, who consents to the relief requested in this letter. In addition, the defense consents to an exclusion of time under the Speedy Trial Act until the adjourned date.

Respectfully submitted,

  
**STEVEN M. STATSINGER**  
Assistant Federal Defender  
(212) 417-8736

cc: AUSA Daniel Levy

*Granted as consent.*

*So ordered*

  
LBS 2/26/08

**MEMO ENDORSED**